

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of

Protecting the Privacy of Customers of  
Broadband and Other Telecommunications  
Services

WC Docket No. 16-106

**REPLY COMMENTS OF LEVEL 3 COMMUNICATIONS, LLC.**

Level 3 Communications, LLC (Level 3) has petitioned for reconsideration of two aspects of the *Privacy Order*.<sup>1</sup> First, Level 3 requests that the Commission reconsider the *Privacy Order*'s requirement that to be exempt from Part 64, Subpart U of the Commission's rules, enterprise voice providers must have a customer contract that "specifically addresses the issues of transparency, choice, data security, and data breach and provides a mechanism for the customer to communicate with the carrier about privacy and data security concerns."<sup>2</sup> Instead, the Commission should exempt enterprise voice service providers from Subpart U by rule.

Second, Level 3 requests that the Commission reconsider its decision to preempt state privacy, data security, and data breach laws "*only* to the extent that they are inconsistent with any rules adopted by the Commission" in the enterprise voice service context.<sup>3</sup> Failing to preempt state laws in the enterprise voice context leaves in place a patchwork of federal and state law on

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<sup>1</sup> *Protecting the Privacy of Customers of Broadband and Other Telecomms. Servs.*, Report and Order, FCC 16-148, WC Docket No. 16-106, 306 (rel. Nov. 2, 2016) ("*Privacy Order*") (implementing 47 U.S.C. § 222).

<sup>2</sup> *Id.* at ¶¶ 15, 306.

<sup>3</sup> *Id.* ¶¶ 16, 324.

the very same subjects, which will impair this flexibility and leave in place burdensome and unnecessary regulations.

There is not a single objection to Level 3's petition in the record.<sup>4</sup> It should be granted.

March 16, 2017

Respectfully submitted,

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<sup>4</sup> One commenter has asked the Commission to clarify the extent to which the *Privacy Order* preempts state privacy standards, but this request is focused on the impact of the *Privacy Order* on mass market customers. See Letter from Jonathon Paul Hauenschild, Director, Task Force on Communications and Technology, American Legislative Exchange Council, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 16-106 (filed Mar. 6, 2017). Level 3 does not take a position on state preemption outside of the enterprise voice service context.